

## Message Text

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ACTION IO-13

INFO OCT-01 ARA-06 ISO-00 DHA-02 TRSE-00 AF-08 EA-07

EUR-12 NEA-10 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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OMB-01 /110 W

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R 022256Z SEP 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 8978

INFO AMEMBASSY SANTIAGO

USMISSION GENEVA

C O N F I D E N T I A L USUN 3554

E.O. 11652: GDS

TAGS: EGEN, ECOSOC, SHUM, CI

SUBJECT: AD HOC WORKING GROUP ON CHILE

1. SUMMARY: UN CHILEAN AMBASSADOR HUERTA AND AMBASSADOR DIEZ CALLED ON AMBASSADOR BENNETT TO REPORT CHILEAN VIEWS ON THE OUTCOME OF THE RECENT GENEVA MEETINGS BETWEEN DIEZ AND THE HUMAN RIGHTS COMMISSION'S AD HOC WORKING GROUP ON CHILE. DIEZ REPORTED THE MEETINGS COVERED TWO AREAS: (1) THE POSSIBLE VISIT TO CHILE BY THE WORKING GROUP AND (2) THE CONTENT OF THE WORKING GROUP'S REPORT TO THE GENERAL ASSEMBLY. THE CHILEANS WERE DISAPPOINTED ON BOTH COUNTS AND REPORTED THAT IF THIS YEAR'S REPORT TO THE GENERAL ASSEMBLY IS THE SAME AS LAST YEAR'S AND DOESN'T REFLECT A FAIR DEGREE OF COOPERATION FROM THE CHILEAN GOVERNMENT, THE CHILEANS WILL RETRENCH, AND THEIR RELATIONS WITH THE WORKING GROUP WILL BE ADVERSELY AFFECTED. DIEZ FURTHER NOTED THAT IF THE HUMAN RIGHTS COMMISSION (AT ITS MEETING FEBRUARY, 1977) EXTENDS THE WORKING GROUP MANDATE ANOTHER YEAR AND DOESN'T TAKE ACTION ON ANY OTHER COUNTRY, CHILE WILL DEFINITELY CHANGE ITS POSITION VIS-A-VIS COOPERATION WITH THE WORKING GROUP.

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GROUP. END SUMMARY.

2. CHILEAN UN AMBASSADOR HUERTA AND AMBASSADOR DIEZ CALLED ON AMBASSADOR BENNETT AND LEONARD GARMENT TO REPORT CHILEAN VIEWS ON THE OUTCOME OF THE RECENT MEETINGS BETWEEN DIEZ AND THE HUMAN RIGHTS COMMISSION AD HOC WORKING GROUP ON CHILE HELD RECENTLY IN GENEVA. DIEZ REPORTED ON THE CHILEAN GOVERNMENT'S PROPOSAL TO ACCEPT A VISIT IN JANUARY BY TWO MEMBERS OF THE WORKING GROUP AND ON THE COUNTER-PROPOSAL BY THE WORKING GROUP FOR A VISIT IN JANUARY BY TWO MEMBERS OF THE WORKING GROUP TO BE JOINED IN A FEW DAYS BY THE OTHER THREE MEMBERS OF THE WORKING GROUP. THE CHILEAN GOVERNMENT TURNED DOWN THIS COUNTER-PROPOSAL BUT INFORMED THE WORKING GROUP THAT ITS INVITATION FOR A VISIT BY TWO MEMBERS OF THE WORKING GROUP WAS STILL OPEN.

3. DIEZ ALSO REPORTED ON DISCUSSIONS RELATED TO THE REPORT WHICH THE WORKING GROUP WILL PRESENT TO THE APPROACHING GENERAL ASSEMBLY. DIEZ COMPLAINED THAT THE WORKING GROUP REFUSED TO DISCUSS BROAD AREAS OR SITUATIONS INVOLVING MASS VIOLATIONS BUT ASKED QUESTIONS ON ONLY THREE SPECIFIC CASES. IN DIEZ'S VIEWS THE WORKING GROUP DID NOT PUT ANY IMPORTANT QUESTIONS TO THE CHILEANS WHICH WOULD ALLOW THEM TO RESPOND AT LENGTH ON STEPS TAKEN TO CORRECT THE HUMAN RIGHTS SITUATION OR TO PROVIDE ADDITIONAL INFORMATION TO THE COMMITTEE. DIEZ COMPLAINED ALSO THAT ALLANA REFUSES TO DISCUSS RULES OF PROCEDURE FOR THE FUTURE SHAPE OF THE INQUIRY AND THAT THIS ATTITUDE AND TREATMENT OF THE CHILEAN GOVERNMENT DOES NOT SET A GOOD PRECEDENT FOR FUTURE INQUIRIES BY THE AD HOC WORKING GROUP INTO HUMAN RIGHTS SITUATIONS IN OTHER COUNTRIES.

4. DIEZ WARNED THAT IF THE WORKING GROUP REPORT IS THE SAME AS LAST YEAR'S AND DOES NOT REFLECT WHAT THEY CONSIDER A FAIR DEGREE OF CHILEAN GOVERNMENT COOPERATION, THE CHILEAN GOVERNMENT WILL RECONSIDER ITS POSITION VIS-A-VIS THE WORKING GROUP. DIEZ CONCLUDED HIS REMARKS BY EMPHASIZING THE IMPORTANCE OF ACKNOWLEDGEMENTS BY THE WESTERN GOVERNMENTS OF THE STEPS MADE TO DATE BY CHILEAN AUTHORITIES TO IMPROVE THE HUMAN RIGHTS SITUATION.

5. IN RESPONSE TO INQUIRIES BY MR. GARMENT ON THE TYPE OF REPLY THE CHILEAN GOVERNMENT EXPECTED OR COULD ACCEPT TO THEIR

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PROPOSAL FOR A TWO-PERSON VISIT, DIEZ REPORTED THAT THEY WERE PREPARED TO DISCUSS THE POSSIBILITY OF A VISIT BY THREE INSTEAD OF TWO MEMBERS AND TO AGREE THAT THE WORKING GROUP SHOULD CHOOSE THE THREE MEMBERS. THE ORIGINAL CHILEAN PROPOSAL FOR A TWO-PERSON VISIT PROVIDED THAT THE TWO PERSONS WOULD BE SELECTED JOINTLY BY THE CHILEANS AND THE WORKING GROUP. THE CHILEANS WOULD PREFER THAT THE TWO PERSONS BE PROFESSOR ECMACORA OF AUSTRIA AND MR. DIEYE OF SENEGAL. ERMACORA IS A PROFESSOR OF LAW, AND

DIEYE IS A SUPREME COURT JUDGE. THEY ARE CONSIDERED BY THE CHILEANS AS THE TWO MOST LEGALLY COMPETENT AND OBJECTIVE. THE THIRD CHOICE WOULD BE MRS. KAMARA OF SIERRA LEONE, AGAINST WHOM THEY HAVE NO COMPLAINTS. THIS WOULD EXCLUDE, OF COURSE, CHAIRMAN ALLANA OF PAKISTAN WHOM THE CHILEANS CONSIDER IMPOSSIBLY BIASED. DIEZ ALSO REPORTED THAT AMBASSADOR BENITES OF ECUADOR IS NOT A FAVORED CANDIDATE FOR A VISIT IN VIEW OF THE FACT THAT HE IS AT ODDS WITH HIS OWN GOVERNMENT AND HAS BEEN REPLACED ON THE HUMAN RIGHTS COMMISSION. THERE ARE THUS QUESTIONS AS TO HIS ELIGIBILITY TO CONTINUE AS A MEMBER OF THE WORKING GROUP. (THE MISSION HAS RECEIVED NO NOTICE THAT BENITES HAS BEEN REPLACED ON THE HUMAN RIGHTS COMMISSION.) IN GENERAL DISCUSSION, BENNETT AND GARMENT STRESSED THE IMPORTANCE OF CHILE'S BEING PERCEIVED AS HAVING BEEN REASONABLE IN ITS ATTITUDE TOWARD THE COMMISSION.

6. COMMENT: ACCORDING TO DIEZ, THERE WILL BE NO FURTHER MEETINGS WITH THE WORKING GROUP PRIOR TO THE GENERAL ASSEMBLY. THE WORKING GROUP REPORT WILL OBVIOUSLY REFLECT THE CURRENT IMPASSE OVER THE QUESTION OF THE VISIT. WHETHER OR NOT THE CHILEANS WILL FIND THE REPORT REASONABLE WILL PRESUMABLY DEPEND AS MUCH ON EXTERNAL FACTORS SUCH AS THEIR OWN POLITICAL MOOD, THE AMOUNT OF PUBLICITY AND GENERAL TONE OF THE DEBATE ON CHILE, AND THE NUMBER OF OTHER COUNTRIES WHO COME UNDER ATTACK FOR HUMAN RIGHTS VIOLATIONS, AS ON THE CONTENT OF THE REPORT ITSELF. END COMMENT.  
BENNETT

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